

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICCARDO GREEN,

Plaintiff(s),

v.

SEATTLE ART MUSEUM,

Defendant(s).

NO. C07-58MJP

ORDER ON MOTION FOR
RECONSIDERATION

The above-entitled Court, having received and reviewed Plaintiff's Motion for Reconsideration of the Court's Order on Sanctions (Dkt. No. 88) and all exhibits and declarations attached thereto, makes the following ruling:

IT IS ORDERED that the motion is DENIED.

Discussion

Local Rule 7(h) provides that

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

Plaintiff's motion for reconsideration neither demonstrates manifest error on the Court's part nor brings forth new facts or law which Plaintiff could not have brought to the Court's attention earlier.

Plaintiff re-argues his contention (originally rejected by the Court) that Defendant's declaration of costs and fees was not timely filed. He is still incorrect. Defendant was ordered to file its declaration within 10 judicial days of the date of the order. Any date on which the courthouse was not open does not count toward that total. Plaintiff is correct that the official federal court closure dates during that period were December 25 and January 1. However, the Chief District Judge of this district granted additional local court holidays of December 24 and 31, and the courthouse was not open on

1 those days.¹ Once the additional closures are calculated in, it is clear that Defendant's filing of the
2 declaration on January 8, 2007 was on the 10th judicial day following the Court's order.

3 Plaintiff also objects in his request for reconsideration that defense counsel did not provide
4 "authenticated receipts" to support his fees and costs requests. Nowhere in Plaintiff's original
5 responsive briefing does this argument appear, and a motion for reconsideration is not the proper
6 pleading to raise this issue for the first time. His argument that defense counsel's claim of 12 hours of
7 work to respond to Plaintiff's motion to compel is not credible suffers a similar flaw.

8 The truth is that none of Plaintiff's arguments (including re-arguing that his pro se status
9 exempts him from adherence to the rules of civil procedure and that his financial status does not
10 permit him to pay the sanction) present either allegations of errors of law on the Court's part or new
11 facts or law which could not have been previously presented to the Court. None of Plaintiff's
12 arguments are proper subjects of a motion for consideration, and on that ground his motion will be
13 DENIED.

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15 The clerk is directed to provide copies of this order to all counsel of record.

16 Dated: February _13_, 2008

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19 Marsha J. Pechman
20 U.S. District Judge
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25 ¹ See Attachment A to this Order, a screen shot of the website for the U.S. District Court for the Western
26 District of Washington containing the announcement of the Court's holiday closures.